

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LYNN A. CRYSLER,

Plaintiff,

-against-

MICHAEL J. ASTRUE, Commissioner of
Social Security,

Defendant.

U.S. DISTRICT COURT

LAWRENCE J. STONE
ALBANY
5:05-CV-1132
(LEK/DEP)

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on May 1, 2008, by the Honorable David E. Peebles, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 10).

Within ten days, excluding weekends and holidays, after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1. No objections have been raised in the allotted time with respect to Judge Peebles's Report-Recommendation. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby

ORDERED, that the Report-Recommendation (Dkt. No. 10) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

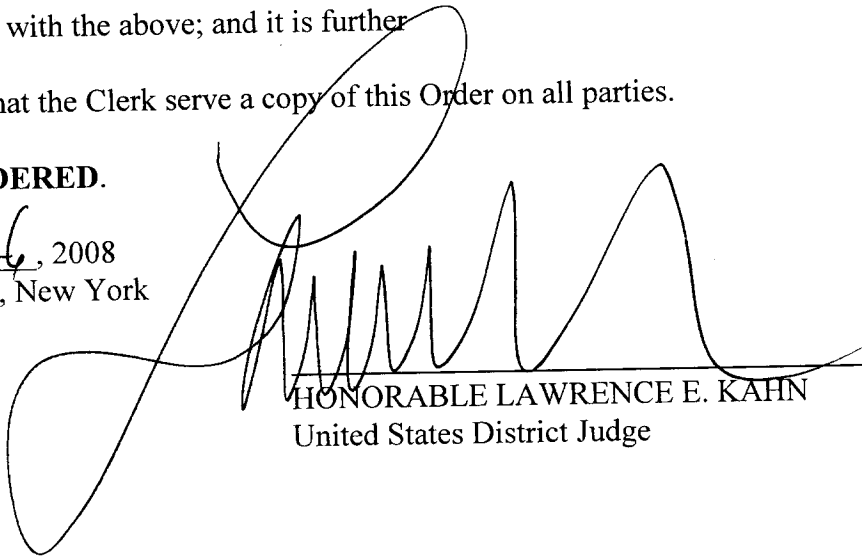
ORDERED, that the decision denying disability benefits is **VACATED** and this matter

REMANDED to the Commissioner, pursuant to sentence four of 42 U.S.C. § 405(g)¹ for further proceedings consistent with the above; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: June 26, 2008
Albany, New York

A large, stylized handwritten signature in black ink, consisting of several loops and sharp peaks, is written over the judge's name and title.

HONORABLE LAWRENCE E. KAHN
United States District Judge

¹ Sentence four reads “[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” 42 U.S.C. § 405(g).